

Marine Environmental Update

VOLUME FY04 NUMBER 1
WINTER 2003



SPAWAR
Systems Center
San Diego



NEPA Task Force Report Suggests Ways To Expedite Federal Environmental Reviews

On September 24, 2003, the White House released a report prepared by the National Environmental Policy Act (NEPA) Task Force, *Modernizing NEPA Implementation*, containing over 50 recommendations that federal agencies can take to expedite the review process required under the National Environmental Policy Act.

The NEPA Task Force was established on [April 10, 2002](#), by James L. Connaughton, Chairman, Council on Environmental Quality (CEQ). On May 20, 2002, the Task Force, composed of Federal agency employees with diverse skills, expertise, and perspectives, began a review of current NEPA implementation practices and procedures to determine opportunities to improve and modernize the NEPA process. The Task Force examined the “nuts and bolts” of NEPA implementation by focusing on:

- Technology and information management and security;
- Federal and intergovernmental collaboration;
- Programmatic analyses and tiering;
- Adaptive management and monitoring;
- Categorical exclusions; and
- Environmental assessments.

The Task Force interviewed Federal agencies; reviewed public comments, literature, reports, and case studies; and spoke with individuals and representatives from State and local governments, Tribes, and interest groups. A case studies document highlighting useful practices is to be published separately.

ALSO IN THIS ISSUE:

EPA Releases Strategy For Water Quality Standards And Criteria.....	2
EPA Issues Revised Draft Aquatic Life Criteria For Atrazine	4
ATSDR Releases New, Updated Draft Toxicology Profiles For Review	5
NMFS Proposes To Designate Killer Whale Transient Group As Depleted	6
EPA Releases 2003-2008 Strategic Plan, Triennial Enforcement Priorities.....	7
EPA Withdraws Federal Aquatic Life WQC For Copper, Nickel Applicable To South San Francisco Bay	7
EPA Announces National Water Quality Standards Database	7
About the <i>Marine Environmental Update</i>	8

Read me on-line at: <http://meso.spawar.navy.mil/Newsltr>



The Task Force is suggesting that the Council on Environmental Quality develop new guidance that:

- Sets standards for the documentation needed to support categorical exclusions;
- Suggests methods for determining whether projects are eligible;
- Encourage agencies to develop categorical exclusions with broadly defined criteria to allow for flexibility;
- Emphasizes the need to update and revise regularly the list of eligible projects;
- Stresses the need for CEQ to review proposed categorical exclusions within 30 days;
- Recognizes the broad range in size of environmental assessments;
- Clarifies that the size of environmental assessments should be commensurate with the magnitude of the project's environmental scope and public concerns;
- Describes the minimum requirements for short environmental assessments; and
- Clarifies the requirements for public involvement, alternatives, and mitigation measures in environmental assessments.

The NEPA Task Force report is available at <http://ceq.eh.doe.gov/ntf/report/index.html> or from MESO (1.14 MB [Adobe™ Acrobat™ file](#)).

The NEPA Task Force. The NEPA Task Force Report to the Council on Environmental Quality. Modernizing NEPA Implementation. *September 2003.*

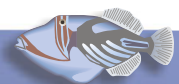


EPA Releases Strategy For Water Quality Standards And Criteria

On September 29, 2003, the Environmental Protection Agency's Office of Science and Technology released the final "Strategy For Water Quality Standards And Criteria: Setting Priorities To Strengthen The Foundation For Protection And Restoring The Nation's Waters". The strategy is the result of a wide-ranging review of the existing water quality standards and criteria program within the context of all clean water programs.

The review focused on clean water goals, mandates and authorities, and current strategic goals for clean water and other strategic planning efforts. The review also focused on major needs of the current water quality standards and criteria program and key programs linked to it. These include water quality monitoring, total maximum daily loads (TMDLs), National Pollutant Discharge Elimination System (NPDES) permits, nonpoint source programs, oceans and wetland programs, and source water protection.

While the strategy is intended solely as a planning document and does not impose legally binding requirements on the EPA, states, tribes or the regulated community, the actions in the strategy were designed to fill major program gaps to achieve critical environmental results.



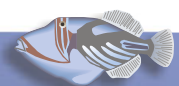


They include:

- Helping states strengthen water quality criteria for three pollutants (sedimentation, pathogens, and nutrients) that are responsible for an estimated 40 percent of water quality impairments nationally;
- Strengthening and maintaining the scientific foundation of water quality programs, including targeting criteria development for specific pollutants of highest importance;
- Clarifying for states how to implement key scientific and technical components of standards and criteria when regulating discharges;
- Establishing important technical and policy linkages between the water quality standards and criteria program and other programs such as those that protect drinking water; and,
- Broadening participation in the water quality standards and criteria program with states and other stakeholders.

The strategy describes and sets milestones for the following ten strategic actions of highest priority:

1. Issue implementation guidance for the 1986 bacteria criteria for recreation.
2. Produce and implement a strategy for the development of pathogen criteria for drinking water and recreational use.
3. Produce and implement a strategy for the development of suspended and bedded sediment criteria.
4. Provide technical support to states and tribes for developing and adopting nutrient criteria and biological criteria.
5. Develop and apply a systematic selection process to produce new and revised water quality criteria for chemicals to address emerging needs.
6. Complete the national Endangered Species Act consultation with the federal services on existing aquatic life criteria.
7. Provide technical support, outreach, training and workshops to assist states and tribes with designated uses, including use attainability analyses and tiered aquatic life uses.
8. Provide implementation support concerning technical issues affecting permits and TMDLs, beginning with technical support and outreach concerning the duration and frequency components of existing water quality criteria.
9. Identify any drinking-water source waters whose water quality standards do not protect the use, and work with EPA regions, states, and tribes to correct any deficient standards as soon as possible.
10. Develop a web-based clearinghouse for exchanging information on critical water quality standards issues, beginning with antidegradation.





The strategy document can be downloaded from <http://www.epa.gov/waterscience/standards/strategy/> or from MESO (2.35 MB [Adobe™ Acrobat™ file](#)).

EPA Office of Science and Technology. Strategy for Water Quality Standards and Criteria: Setting Priorities to Strengthen the Foundation for Protecting and Restoring the Nation's Waters. August 2003, EPA-823-R-03-010.



EPA Issues Revised Draft Aquatic Life Criteria For Atrazine

On November 7, 2003, the Environmental Protection Agency announced the availability of a revised draft aquatic life criteria document for atrazine, and requested scientific review (see also *Marine Environmental Update Bulletin*, [September 27, 2001](#); *Marine Environmental Update*, [Vol. FY02, No. 1](#)). The national recommended water quality criteria for atrazine are as follows:

Freshwater

Aquatic life should not be affected unacceptably if the: One-hour average concentration of atrazine does not exceed 1,500 µg/L more than once every three years on the average (Acute Criterion) and if the Average Primary Producer Steinhaus Similarity deviation for a site is less than 5% (as determined using the Comprehensive Aquatic Systems Model (CASM) 1 or other appropriate model and index) and is not exceeded more than once every three years (or other appropriate return frequency sufficient to allow system recovery). The 5% index for the protection of aquatic plant community should also be protective of most freshwater animals (Chronic Criterion).

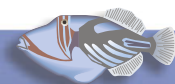
Saltwater

Aquatic life should not be affected unacceptably if the: One hour average concentration of atrazine does not exceed 760 µg/L more than once every three years on the average (Acute Criterion) and if the thirty-day average concentration of atrazine does not exceed 17 µg/L more than once three years on the average (Chronic Criterion).

The revised draft criteria incorporate information on the toxicity of atrazine to aquatic plants and invertebrates that had not been available at the time of the 2001 publication. The change in critical endpoints reflects the scientific views of the EPA, the registrant, and those received from the public.

The EPA is specifically interested in scientific views on the following issues:

- The use of the Average Primary Producer Steinhaus Similarity deviation of 5% (as determined using the CASM) as protective of chronic effects to freshwater aquatic life;
- The applicability of the same approach to the protection of chronic effects to salt water aquatic life in place of a guidelines-calculated concentration stated above. Conceptually, the approach used for fresh water chronic criteria should be equally applicable to salt water chronic criteria. To date, however, saltwater toxicity data have not been employed in the model. Additionally, there are fewer atrazine toxicity data available for saltwater species than for freshwater species.





More information may be found at <http://www.epa.gov/oppsrrd1/reregistration/atrazine/>. All significant scientific information must be submitted to the EPA on or before February 5, 2004. For further information, contact Frank Gostomski, Health and Ecological Criteria Division (4304), U.S. EPA, 1200 Pennsylvania Avenue NW., Washington, D.C. 20460; telephone: (202) 566-1105; e-mail: gostomski.frank@epa.gov.

Federal Register, Volume 68, Number 216, Friday, November 7, 2003, pp. 63092-63095 (22.5 KB [text file](#) or 51.8 KB [Adobe™ Acrobat™ file](#)).



ATSDR Releases New, Updated Draft Toxicology Profiles For Review

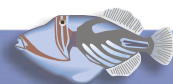
On October 23, 2003, the Agency for Toxic Substances and Disease Registry (ATSDR) and the Department of Health and Human Services (HHS) released the 17th set of toxicological profiles, required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This set consists of one new and seven updated drafts, prepared by ATSDR for review and comment. The seven profiles being updated are bromoform, dibromochloromethane, carbon tetrachloride, hexachlorocyclohexan, naphthalene, nickel, tin and zinc. The one new profile is for tungsten.

Each profile includes examination, summary and interpretation of available toxicological information and epidemiologic evaluations. This information and these data are to be used to identify the levels of significant human exposure for the substance and the associated health effects. The profiles also include a determination of whether adequate information on the health effects of each substance is available or in the process for development.

The profiles can be downloaded at: <http://www.atsdr.cdc.gov/toxpro2.html>.

Comments must be received by February 24, 2004. For further information contact Ms. Yulandia Jordon, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E-29, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone: (888) 422-8737 or (404) 498-0261.

Federal Register, Volume 68, Number 205, Thursday, October 23, 2003, pp. 60695-60697 (8.51 KB [text file](#) or 44.5 KB [Adobe™ Acrobat™ file](#)).





NMFS Proposes To Designate AT1 Group Of Transient Killer Whales As Depleted Under MMPA

On October 24, 2003 the National Marine Fisheries Service announced its proposed rule to designate a group transient killer whales (known as the AT1 group) as a depleted stock under the Marine Mammal Protection Act. The action is being taken pursuant to a status review conducted by NMFS in response to a [petition received on November 13, 2002](#), from the National Wildlife Federation, on behalf of itself, Alaska Center for the Environment, Alaska Community Action on Toxics, Center for Biological Diversity, Coastal Coalition, Defenders of Wildlife, and Eyak Preservation Council, to designate the AT1 group of transient killer whales as a depleted population stock



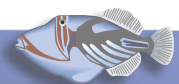
A pair of killer whales in the Bering Sea (NOAA photograph).

under the MMPA. After evaluating the petition, NMFS determined that the petition contained substantial information indicating that the petitioned action may be warranted (68 FR 3483, January 24, 2003). Following its determination that the petitioned action may be warranted, NMFS conducted a status review to evaluate whether the AT1 group is a population stock and, if so, whether that stock is depleted. This proposed rule is based upon that status review.

The available information supports the conclusion that the AT1 group is a population stock of marine mammals. The genetics data suggest that the group size was larger than 22 animals prior to 1984. However, the abundance of this group prior to 1984 is unknown. Consequently, there is no estimate for the maximum historical abundance. In 1984, the group had 22 members, and its current abundance has been reduced to nine or fewer whales. The current abundance is less than 60 percent of the known abundance in 1984; therefore, the group is below its MNPL or the lower limit of its Optimal Sustainable Population (OSP). Consequently, the group meets the statutory definition of a depleted stock. Based on the best scientific information available, NMFS proposes to designate the AT1 group of transient killer whales in Alaska as a depleted population stock under the MMPA.

Comments and information must be received by January 22, 2004. For further information, contact Kaja Brix; NOAA/NMFS; Alaska Region; telephone: (907) 586-7235.

Federal Register, Volume 68, Number 206, Friday, October 24, 2003, pp. 60899-60903 (31.7 KB [text file](#) or 47.5 KB [Adobe™ Acrobat™ file](#)).





EPA Releases 2003-2008 Strategic Plan, Triennial Enforcement Priorities

On September 30, 2003, the Environmental Protection Agency submitted its 2003 Strategic Plan to Congress and OMB as required under the Government Performance and Results Act. The EPA's 2003 Strategic Plan serves as the Agency's road map for the next 5 years. The Strategic Plan lays out the EPA's five long-term goals and will guide the EPA in establishing the annual goals it will need to meet along the way. More information is available at <http://www.epa.gov/ocfopage/plan/plan.htm>.

In a related matter, the EPA is also requesting comments and recommendations on its national enforcement and compliance assurance priorities for fiscal years 2005 through 2007. The final priority selections affect implementation of the goals and objectives outlined in the Strategic Plan, above. The suggested new areas of enforcement priorities includes the improvement and better maintenance of compliance at Federal facilities through more effective implementation of environmental management systems (EMS). Comments and recommendations must be received by January 12, 2004 (reference Docket Number OECA-2003-0154). For further information contact Robert Tolpa, Chief, Planning and Analysis Branch; U.S. EPA Office of Enforcement and Compliance Assurance; telephone: (202) 564-2337; facsimile: (202) 564-0034.

U.S. Environmental Protection Agency. 2003-2008 EPA Strategic Plan: Direction for the Future. September 30, 2003 (2.45 MB [Adobe™ Acrobat™ file](#)).

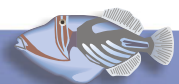
Federal Register, Volume 68, Number 237, Wednesday, December 10, 2003, pp. 68893-68896 (21.3 KB [text file](#) or 47.6 KB [Adobe™ Acrobat™ file](#)).



EPA Withdraws Federal Aquatic Life WQC For Copper, Nickel Applicable To South San Francisco Bay

On Thursday, November 6, 2003, the Environmental Protection Agency withdrew the federal aquatic life water quality criteria for copper and nickel applicable to South San Francisco Bay. On June 25, 2003, EPA requested comment on its proposed action to withdraw copper and nickel criteria applicable to the south San Francisco Bay from the CTR (see *Marine Environmental Update*, Vol. FY03, No. 4). The EPA did not receive any adverse comments concerning its proposal to withdraw the copper and nickel aquatic life criteria applicable to south San Francisco Bay from the CTR and is therefore publishing this final rule. This rule is effective November 6, 2003.

Federal Register, Volume 68, Number 215, Thursday, November 6, 2003, pp. 62744-62747 (21.7 KB [text file](#) or 47.5 KB [Adobe™ Acrobat™ file](#)).





EPA Announces National Water Quality Standards Database

In October, 2003, the Environmental Protection Agency started developing a National Water Quality Standards Database (WQSDB) to improve public access to information on how the waters they care about are being protected, and how actions in their watershed can help or harm those waters. The first phase of this online database consists of a compilation of “designated uses,” which describe the functions each waterbody is intended to support – fishing, swimming, drinking water source, or some other use. The second phase of the WQSDB will add numeric “water quality criteria,” which represent the quality of water that supports particular uses. When completed, the WQSDB will allow access to maps and tables for all of the approximately 2.7 million surface water bodies across the nation.

The database can be accessed at: <http://www.epa.gov/wqsdatabase>. You can also select waters of interest from maps viewable at EnviroMapper for Water (<http://map8.epa.gov/enviromapper/>). The WQSDB is a component of the WATERS information system, which also contains state listings of impaired waters (see: <http://www.epa.gov/waters/index.html>). Maps can be accessed from the WQSDB homepage at <http://www.epa.gov/waters/enviromapper>. Links to State, Tribal, and Federal WQS text documents, tables, and maps may be found at <http://www.epa.gov/waterscience/standards/states/>.

For more information or comments on the WQSDB, contact Bill Kramer at: (202) 566-0385; e-mail: kramer.bill@epa.gov.

U.S. EPA. Water Quality Standards Database Release 5.0 Factsheet , October, 2003 (48.0 KB [Adobe™ Acrobat™ file](#)).



The *Marine Environmental Update* is produced quarterly as an information service by the Marine Environmental Support Office (MESO) to inform the Navy environmental community about issues that may influence how the Navy conducts its operations. The contents of this document are the responsibility of the Marine Environmental Support Office and do not represent the views of the United States Navy. References to brand names and trademarks in this document are for information purposes only and do not constitute an endorsement by the United States Navy. All trademarks are the property of their respective holders. Approved for public release; distribution is unlimited.

The Marine Environmental Support Office may be reached at:

MARINE ENVIRON SUPPORT OFC
SPAWARSYSCEN 23621
53475 STROTHER ROAD
SAN DIEGO CA 92152-6326

Telephone: 619.553.5330/5331/5313
DSN 553.5330/5331/5313
Facsimile: 619.553.5404; DSN 553.5404

PLAD: SPAWARSYSCEN SAN DIEGO CA

E-mail: meso@spawar.navy.mil
WWW: <http://meso.spawar.navy.mil/>

